

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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DEC - 9 2004

Federal Communications Commission
Office of the Secretary

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In the Matter of

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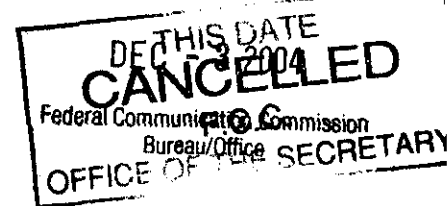
Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Charlotte and Grand Ledge, Michigan)

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MB Docket No. 03-222
RM-10812

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To: Assistant Chief, Audio Division, Media Bureau



SUPPLEMENT TO JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

Christian Broadcasting System, Ltd. ("CBSL"), licensee of Station WLCM(AM), Charlotte, Michigan, by its counsel, hereby supplements the Joint Motion to Hold Proceeding in Abeyance ("Joint Motion"), filed November 8, 2004, by CBSL and Rubber City Radio Group ("Rubber City"), licensee of WQTX(FM), Charlotte, Michigan.

In this proceeding, the Commission is confronted with Rubber City's request, through the above-captioned rulemaking proceeding, to change the city of license of WQTX from Charlotte to Grand Ledge, Michigan, and the request of CBSL to change the community of license of WLCM from Charlotte to Holt, Michigan.

Because WQTX and WLCM are the only two stations licensed to Charlotte, the Rubber City and CBSL requests are in conflict in that grant of both, under present circumstances, would leave Charlotte without a local transmission service.

Through their Joint Motion, Rubber and CBSL have asked that this proceeding be held in abeyance while the Commission processes a Petition for Rulemaking filed by Rubber City proposing

to modify the allotment used by Station WJXQ to change the community from Jackson to Charlotte. The change would not necessitate any modification of the physical facilities of Station WJXQ. If that rulemaking petition were adopted, the conflict between Rubber City's proposal for WQTX and CBSL's proposal for WLCM would disappear. The Joint Motion noted that CBSL's application for Holt was submitted during the filing window for AM Auction 84 (CDBS No. 20040128AJX) and that CBSL's consulting engineer had determined that the application was not in conflict with any other AM proposal filed during the Auction 84 window.

Through this Supplement, CBSL reports that, indeed, its Holt application has been identified as a "singleton." Enclosed is a copy of the FCC's Public Notice on November 17, 2004 (DA 04-3596), identifying various applications filed in Auction No. 84 as singletons, including CBSL's Holt application.

CBSL intends to file the required long-form application on or before the January 18, 2005, deadline announced in the November 17 Public Notice.

The formal identification of CBSL's Holt proposal as a "singleton" application highlights the need to resolve the conflict between that application and Rubber City's proposal to move the WQTX allotment from Charlotte to Grand Ledge. If the Rubber City/CBSL Joint Motion is granted and Rubber City's Petition for Rulemaking with respect to WJXQ is processed and adopted, both the WQTX proposal and the WLCM proposal also may be adopted.

WHEREFORE, CBSL respectfully requests that this Supplement be ACCEPTED and that the Joint Motion to Hold Proceeding in Abeyance be GRANTED.

CHRISTIAN BROADCASTING
SYSTEM, LTD.

A handwritten signature in black ink, appearing to read 'Matt McCormick', is written over a horizontal line.

By: _____

Matthew H. McCormick
Its Counsel

Reddy, Begley & McCormick, LLP
1156 15th Street, N.W., Suite 610
Washington, D.C. 20005-1770
(202) 659-5700

December 3, 2004



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 04-3596
November 17, 2004

AM Auction No. 84 Singleton Applications

Media Bureau Announces Form 301 Application Deadline and Ten-Day Petition to Deny Period

By this *Public Notice*, the Media Bureau establishes certain filing deadlines for the AM Auction No. 84 applications listed in Attachment A-2 to this *Public Notice* and for petitions to deny these applications. On November 6, 2003, the Media Bureau and the Wireless Telecommunications Bureau (collectively the "Bureaus") released a public notice announcing a January 26-30, 2004, AM auction filing window for applications for new AM stations and major modifications to authorized AM facilities.¹ The Media Bureau has determined that the applications listed in Attachment A-2 are not mutually exclusive with any other applications submitted in the filing window. These applicants must follow the procedures set forth below. This is the final singleton list for AM Auction No. 84 proposals.

Required Forms: The singleton applicants listed in Attachment A-2 must submit a complete FCC Form 301 application between November 18, 2004, and January 18, 2005, pursuant to the procedures set forth in the Commission's rules.² Applicants must simultaneously submit the

¹ See *Public Notice*, "AM New Station and Major Modification Auction Filing Window; Minor Modification Application Freeze," 18 FCC Red 23016 (MB/WTB 2003) ("*Auction 84 Filing Window Public Notice*").

² See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512. Generally, applicants whose short form applications are determined to be non-mutually exclusive must file the appropriate long form applications within thirty days of public notice identifying such non-mutually exclusive applications. See e.g. 47 C.F.R. § 73.5005(d). Given the significant volume of AM applications filed in response to the *Auction 84 Filing Window Public Notice*, we hereby extend the 30-day period for the filing of long form applications. See *Implementation of Section 309(j) of the Communications Act-Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services Licenses ("Broadcast First Report and Order")*, 13 FCC Red 15920, 15984 (1998), *recon. denied*, 14 FCC Red 8724 (1999), *modified*, 14 FCC Red 12541 (1999) (retaining discretion to extend the 30-day period for the filing of long form applications upon good cause showing).

required application filing fee for a construction permit for a new commercial AM radio station or for a major change in an authorized AM station and a FCC Form 159, Remittance Advice.³

The facilities proposed in Form 301 must comply with all applicable AM rules. Applicants must demonstrate that the proposed facilities protect existing stations and earlier filed applications, and that the daytime and nighttime facilities comply with principal city coverage requirements.⁴ Any differences between the tech box proposal filed during the AM Auction No. 84 filing window and the complete FCC Form 301 must be minor changes as defined in 47 C.F.R. §73.3571.⁵

Noncommercial Educational Applicants: Applicants designated by an asterisk in Attachment A-2 checked the box labeled “noncommercial educational” in response to the “Applicant Status” question on the profile page of their originally submitted FCC Form 175 applications. Thus, these applicants seek a noncommercial educational (“NCE”) station license. As a result of this election, these applicants will be required to demonstrate “that they meet all . . . Commission eligibility requirements for NCE stations.”⁶

These NCE AM applicants must file electronically FCC Form 301. In accordance with Section 1.1114(c) of the Commission’s rules, these Form 301 applications are exempt from application filing fees.⁷ Section 73.503(a) states that a noncommercial educational broadcast station “will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.”⁸ To establish NCE eligibility, these AM NCE applicants must supplement their Form 301 filings with answers to questions 2 through 5, Section II – Legal and Financial of FCC Form 340, Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station, March 2001 edition. Responses to questions 2 through 5 of the FCC Form 340, including any requisite exhibits, must be filed as an attachment to the Form 301 submission.

Inconsistent, conflicting or multiple applications: Several applicants have previously filed FCC Form 301 applications covering the same facilities for which new or major change technical

³ Effective August 10, 2004, this fee is \$3,310.00. See schedule of charges at 47 C.F.R. § 1.1104. Method and form of payment is addressed in 47 C.F.R. §§ 1.1109, 1.1110. See also the Media Services Application Fee Filing Guide and the FCC Form 301 instructions.

⁴ See 47 C.F.R. §§ 73.24, 73.37, and 73.182.

⁵ See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, singleton applicants filing FCC Form 301 applications may change the technical proposals specified in their previous filing. However, such singleton applicants may not specify in the FCC Form 301 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivities or application conflicts. See *Broadcast Auction First Report and Order*, 13 FCC Red at 15991.

⁶ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Second Report and Order*, 18 FCC 6691, 6699-6700 ¶¶ 22-24 (2003).

⁷ Applicants that did not check the “noncommercial educational” applicant status box must submit the required filing fees with their applications.

⁸ 47 C.F.R. § 73.503(a).

proposals were submitted in the most recent AM filing window. In these cases, the submission of a complete FCC Form 301 application for proposals listed in Attachment A-2 may violate the prohibition on the filing of inconsistent, conflicting or multiple applications.⁹ In order to avoid the return of an application filed in response to this *Public Notice*, applicants may simultaneously request the dismissal of the prior-filed application conditioned on the grant of the FCC Form 301 filed in response to this *Public Notice*.

How to file: Applicants must file complete FCC Form 301 applications electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms system. For information regarding electronic application filing, refer to *Public Notice, Mass Media Bureau Implements Consolidated Database System (CDBS) Electronic Filing of FCC Forms 301, 302, 314, 315, 316, and 347* (released April 28, 2000). When filing the complete FCC Form 301, applicants must select "Long Form Application for AM Auction No. 84" on the Pre-form for Form 301 (Question 2 -- Application Purpose). In addition, the CDBS file number previously issued to the tech box submission filed in the AM Auction No. 84 filing window must be entered on the Pre-form in the field "Eng. Proposal File Number." Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mb/elecfile.html>

For assistance with electronic filing, call the Audio Division Help Desk at (202) 418-2662.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, a previously filed Form 301 tech box submission of any applicant listed in Attachment A-2 that fails to submit the complete FCC Form 301 by January 18, 2005.

Petition to Deny Filing Period: The staff will study the submitted FCC Form 301 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing by public notice in the daily "Broadcast Applications" reports. Petitions to deny an FCC Form 301 application must be filed within 10 days after the release of the pertinent notice of acceptance.¹⁰ Interested parties should monitor these Broadcast Applications public notices.

For additional information, contact Susan Crawford or Ann Gallagher (engineering), Lisa Scanlan or Tom Nessinger (legal) of the Audio Division at (202) 418-2700.

This Public Notice contains the following Attachment:

Attachment A-2: AM Auction No. 84 Singleton Applications

—FCC—

⁹ See 47 C.F.R. §§ 73.3518 and 73.3520.

¹⁰ See 47 C.F.R. § 73.5006.

**Attachment A-2
AM Auction No. 84
Singleton Applications**

ARN	CALL	APPLICANT	FACILITY ID	CITY	ST	FREQUENCY
20040130BEV	WYNY	6 JOHNSON ROAD LICENSES, INC	73408	HERNANDO	FL	1240
20040130BEZ	WRZN	6 JOHNSON ROAD LICENSES, INC	39769	REDDICK	FL	720
20040128AEI	NEW	ADVANCE ACQUISITION, INC.	160675	BEMIDJI	MN	1400
20040130BFA	NEW	ADVANCE ACQUISITION, INC.	161491	DULUTH	MN	750
20040128AFU	NEW	ADVANCE ACQUISITION, INC.	160701	MISSOULA	MT	1050
20040129ARG	WREM	ALLAN H WEINER	17514	MONTICELLO	ME	780
20040128AGF	NEW	ALPINE BROADCASTING CORPORATION	160637	RICHMOND	ME	1120
20040129AHN	NEW	AMERICAN RADIO BROKERS, INC	160520	KNIK FAIRVIEW	AK	810
20040130AYD	NEW	AMERICAST MEDIA CORPORATION	161399	INKOM	ID	1320
20040128ABR	NEW	AMY MEREDITH	160771	GOOSE CREEK	SC	1430
20040128AHK	NEW	AMY MEREDITH	160808	PIOCHE	NV	740
20040128ACB	NEW	AMY MEREDITH	160773	PIOCHE	NV	1330
20040129APO	WJFC	APPALACHIAN EDUCATIONAL COMMUNICATION CORPORATION*	18402	JEFFERSON CITY	TN	1230
20040130AAX	NEW	BARBARA LYNCH	161152	CASPER	WY	1600
20040130BEA	WYRE	BAY BROADCASTING CORPORATION	70352	ESSEX	MD	810
20040130BJI	NEW	BAY BROADCASTING, INC.	161411	POCOMOKE CITY	MD	1070
20040126AAV	NEW	BETTER LIFE MINISTRIES*	160445	CAMERON	AZ	1450
20040126AAP	NEW	BETTER LIFE MINISTRIES*	160320	COMSTOCK	TX	1450
20040126AAK	NEW	BETTER LIFE MINISTRIES*	160317	DEL NORTE	CO	1490
20040126AAR	NEW	BETTER LIFE MINISTRIES*	160442	EADS	CO	1450
20040126AGC	NEW	BETTER LIFE MINISTRIES*	160457	LANGTRY	TX	1400
20040126AGY	NEW	BETTER LIFE MINISTRIES*	160486	MCNARY	TX	1230
20040126AGO	NEW	BETTER LIFE MINISTRIES*	160479	PRESIDIO	TX	1230
20040126AAL	NEW	BETTER LIFE MINISTRIES*	160318	RICHFIELD	UT	1490
20040126AGM	NEW	BETTER LIFE MINISTRIES*	160474	STEAMBOAT SPRING	CO	1340
20040126AMG	WOKT	BIG RIVER RADIO, INC. (KENTUCKY)	73185	CANNONSBURG	KY	1080
20040129AMO	WKTE	BOOTH-NEWSOM BROADCASTING, INC.	6427	KING	NC	1090
20040129AOP	WKFB	BROADCAST COMMUNICATIONS, INC.	10026	NORTH HUNTINGDON	PA	770
20040130BCZ	NEW	CHAPARRAL BROADCASTING COMPANY	161356	BOZMAN	MT	1150
20040130BPL	NEW	CHAPARRAL BROADCASTING COMPANY	161459	SUN VALLEY	ID	1360
20040130AQM	NEW	CHARLES A. HECHT AND ALFREDO ALONSO	161169	HAMPDEN	ME	750
20040130BNA	NEW	CHARLES WILLIAMSON	160375	ONTARIO	NY	1330
20040130BNH	NEW	CHARLES WILLIAMSON	160877	ROTTERDAM	NY	1280
20040127AGH	WAIT	CHICAGO NEWSWEB CORPORATION	53504	ADDISON	IL	850
20040128AJX	WLCM	CHRISTIAN BROADCASTING SYSTEM, LTD.	42076	HOLT	MI	1390
20040128AKT	WSNL	CHRISTIAN BROADCASTING SYSTEM, LTD.	42078	SWARTZ CREEK	MI	600
20040129ARO	NEW	CHRISTYAHNA BROADCASTING, INC	160818	LEMON GROVE	CA	1100
20040130A2Y	WAMR	CITICASTERS LICENSES, L.P.	3060	LONGBOAT KEY	FL	1320
20040126ANL	NEW	CLEO BROADCASTING, LLC	160306	BEAVER CREEK	NC	940
20040126AKK	NEW	CLEO BROADCASTING, LLC	160383	BOSSIER CITY	LA	1380
20040126ANB	NEW	CLEO BROADCASTING, LLC	160309	KEY WEST	FL	1390
20040126AKS	NEW	CLEO BROADCASTING, LLC	160353	MIDLOTHIAN	VA	1410
20040126AKD	NEW	CLEO BROADCASTING, LLC	160393	SACATON	AZ	1260
20040126AKG	NEW	CLEO BROADCASTING, LLC	160388	SALISBURY	MD	1250
20040126AMS	NEW	CLEO BROADCASTING, LLC	160334	SHALLOWATER	TX	1140
20040126AMX	NEW	CLEO BROADCASTING, LLC	160312	ST. PAUL CHURCH	MN	1290
20040128AKH	KCKY	CORTARO BROADCASTING CORPORATION	48814	APACHE JUNCTION	AZ	1150
20040129AVU	NEW	COTTON BROADCASTING	160894	MOORE	TX	1310
20040130AIS	NEW	CTC MEDIA GROUP, INC.	160154	TRENT WOODS	NC	800
20040130BBS	WTOD	CUMULUS LICENSING LLC	22672	NORTHWOOD	OH	1560
20040128ABM	WRTK	D&E COMMUNICATIONS OF OHIO, INC.	73308	LAKEWOOD	OH	1180
20040130AHN	KSET	DAVE COLLIER COMMUNICATION BROADCASTING, INC.	31108	LUMBERTON	TX	1300
20040129AVE	NEW	DAVID COLE	160431	OAK HILL	WV	1400
20040127ANE	NEW	DE LA HUNT BROADCASTING CORP	160559	WILTON	MN	810
20040130BCR	WSQR	DEKALB COUNTY BROADCASTERS, INC	16409	SYCAMORE	IL	1180
20040130AQY	WXGO	DUBOIS COUNTY BROADCASTING, INC	17624	AURORA	IN	1270
20040127AAP	NEW	EASTERN SIERRA BROADCASTING	160364	TONOPAH	NV	1400
20040129AKO	NEW	EATON-DIETTERICH PARTNERSHIP	160644	KEARSARGE	PA	1590
20040130BKO	WPLX	EDUCATIONAL MEDIA FOUNDATION*	52906	CAPLEVILLE	TN	1180
20040130BNU	NEW	ETHER MINING CORPORATION	161430	OKLAHOMA CITY	OK	930
20040130BPE	NEW	ETHER MINING CORPORATION	161474	PENSACOLA	FL	1570
20040130BME	NEW	EVANGELICAL BROADCASTING GROUP*	161494	CUMBERLAND	WI	1450
20040130BNO	NEW	EVANGELICAL BROADCASTING GROUP*	160527	FORT FAIRFIELD	ME	1230
20040130BKS	NEW	EVANGELICAL BROADCASTING GROUP*	161525	JACKSON	WY	1490
20040130BMJ	NEW	EVANGELICAL BROADCASTING GROUP*	161489	LEAD	SD	1400
20040130BMO	NEW	EVANGELICAL BROADCASTING GROUP*	161468	SAINT GERMAIN	WI	1400
20040130APD	KEOR	FIRST BROADCASTING CAPITAL PARTNERS, LLC	3651	CATOOSA	OK	1120
20040129API	WRMQ	FLORIDA BROADCASTERS	21759	GOLDENROD	FL	1140
20040129AIF	WLTC	FRANK NEELY	22027	PINEVILLE	NC	1370
20040129ANI	WKNX	FRANKENMUTH BROADCASTING, INC	4600	BRIDGEPORT	MI	1250
20040130ADX	NEW	FRED R AND EVELYN K MORTON	161081	HILO	HI	1600

*Indicates noncommercial, educational status on FCC Form 175

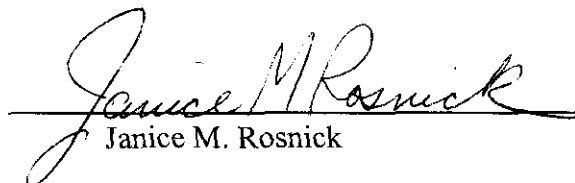
CERTIFICATE OF SERVICE

I, Janice M. Rosnick, hereby certify that on this 3RD day of December, 2004, copies of the foregoing **SUPPLEMENT TO JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE** were hand-delivered or mailed, via first-class, postage prepaid, to the following:

R. Barthen Gorman, Esquire*
Federal Communications Commission
Mass Media Bureau
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Room 3-A224
Washington, DC 20554

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Janice M. Rosnick

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